

BOARD OF SELECTMEN

Minutes of

June 11, 2007

Chairman McArdle called the meeting to order at 7:30PM. Board members present were Richard Gandt, Steve Clark, and Richard Carlson. Boyd Jackson was absent. Of the Selectmen's staff, Town Administrator Virginia Wilder, & Donna Rich, Board Secretary, were in attendance. Other persons present were Jane Schraffa and Evelyn Hammond of Topsfield Cable. Present for the discussion on the Essex Greenbelt easement were Walter Harmer, Conservation Commission Chair, Lana Spillman, Conservation Commission Agent, and David Santomenna, Essex County Greenbelt. Present for the discussion on the Town Hall Building Committee charter were Peter Bryson, Bob Winship, Heidi Fox, Alison Hardy, Jim Ugone, Phil Knowles, Al Wallace, and Norm Isler.

Announcements: Chairman McArdle announced that the Board would be going into Executive Session at the end of the meeting to discuss the potential Cell Tower litigation, the Fire Chief Contract, Park & Cemetery Union Contract, and Highway / Water Union Contract and the Board would not return to open session.

Selectmen Minutes: Selectman Carlson made motion to approve the amended minutes of May 29, 2007 seconded by Selectman Gandt; so voted 4-0. Selectman Gandt made a motion to approve the amended Executive Session minutes of May 29, 2007 and to hold until all issues have been resolved; seconded by Selectman Clark; so voted 4-0. Selectman Gandt made a motion to approve the amended Working Session minutes of June 5, 2007; seconded by Selectman Clark; so voted 4-0.

OLD BUSINESS:

Willowdale Easement: Selectman Gandt reviewed the Town's desire for an easement from Essex County Greenbelt in return for a gift of \$50,000 to the Essex County Greenbelt toward the acquisition of 290 Ipswich Rd. Dave Santomenna, Essex County Greenbelt and Walter Harmer, Chairman of the Conservation Commission addressed the Board regarding the details of the easement. Essex County Greenbelt's draft was reviewed and amended by Kopleman & Paige. Selectman Gandt read the document as amended. The parking area originally discussed with Essex County Greenbelt as a possible easement has been rejected and replaced with the easement as read by Selectman Gandt. Chairman McArdle took issue with the implication that in his opinion, the Town would virtually get nothing in return for its investment. Selectman Gandt made a motion that the Town accepts the easement as amended by Kopleman & Paige from Essex County Greenbelt in return on a gift of \$50,000 toward the purchase of 290 Ipswich Rd. Selectman Clark seconded; so voted 3-1, Chairman McArdle was opposed.

NEW BUSINESS:

Household Hazardous Waste Collection: Selectman Gandt made a motion to enter into an agreement with CleanHarbors Environmental Services Inc of North Andover, MA for the Household Hazardous Waste Collection day to be held on November 3rd in the amount of

\$5,000, seconded by Chairman McArdle, so voted 4-0. Selectman Gandt stated that the annual event will be held at the Masco parking area and the event is organized by Boxford.

MUNIS Operating Agreement: Selectman Gandt made a motion to enter into a contract with Tyler Technologies, Inc, MUNIS Division of Falmouth, Maine in the amount of \$3,461.67 for FY08's maintenance of the Town's Financial software operating system and database, seconded by Selectman Carlson; so voted 4-0.

MUNIS Software License Agreement: Selectman Gandt made a motion to enter into a contract with Tyler Technologies, Inc, MUNIS Division of Falmouth, Maine in the amount of \$13,895.70 for FY08's financial software licensing agreement, seconded by Selectman Clark; so voted 4-0.

7:55PM Public Hearing on Special Sign Permit for Harmony Healthcare at 430 Boston Street, Suite 103. Deb Carey from the Sign Center of Haverhill and Peter Mastrangelo from Harmony Health Care came to address the Board. Ms. Carey reported that the request is to update the present sign. The present sign is 40 X 55 and the new one will be 34 X 51. Because of the size it was denied by the Inspector of Buildings as non-conforming and therefore, required approval from the Board. Selectman Gandt read the public notice and made a motion to approve the upgrade of the sign at 430 Boston St from the Sign Center for Harmony Healthcare, seconded by Selectman Carlson; so voted 4-0.

8:05PM Heidi Fox, Town Hall Building Committee Chairman addressed the Board seeking to obtain clearly defined charter from the Board as to the committee's mission. Members present: Heidi Fox, Bob Winship, Peter Bryson, Alison Hardy, Jim Ugone, Phil Knowles, Al Wallace, Norm Isler, Ben Nutter. Chairman Heidi Fox introduced the members in attendance, explained that with new members new creative ideas were being generated. Sub-committees have been established. It is anticipated that the sub committees will report their findings to the Board in October. In a letter dated June 1, 2007 the Committee outlined their recommended charter. Member Phil Knowles spoke regarding a renewed thought of finding a new location for Town Hall departments with exploration of ideas for the existing Town Hall. Discussion highlights included revisiting the opportunities for relocation of the Town offices and re-examine the concept of renovating within the existing structure as the only alternative to address the needs of the Town; office space and functionality. Also discussed was the need to keep all departments presently in Town Hall together in one location. If a new location is identified that is central to the downtown area, COA doesn't necessarily have to be in the design. There was additional discussion on ADA requirements. Selectman Carlson made a motion to accept the letter dated June 1, 2007 from the Building Committee, signed by Chairman Fox to be their charter at this time, seconded by Chairman McArdle; so voted 4-0.

8:45PM Joe Glesson, of Verizon New England Inc; informed the Board of a petition regarding the movement of telephone poles pursuant of a Mass Highway directive for work being performed at the intersection of High St (Route 97) and Boston St (Route 1). The poles moving are: pole #3/25 10' in a northerly direction, pole #640 24' in a northerly direction, pole #641 30' in a southerly direction and pole #3/27 and pole #3/28 are both moving 5' in an easterly direction.

NEW BUSINESS (continued):

Library Basement Window Replacement: This request is a request to access funding from FEMA for the May 2006 flood at the Library. Selectman Gandt made a motion to award the contract to Cleaning Service Group of Danvers in the amount of \$3,875 to replace the windows in the basement of the Library together with all necessary work related there to, seconded by Chairman McArdle; so voted 4-0.

Resurfacing of Existing Sidewalks: Selectman Gandt made a motion to award a contract to EJ Paving of Methuen, MA in an amount not to exceed \$24,999 to resurface existing sidewalks in Town, seconded by Selectman Carlson; so voted 4-0. Selectman Clark amended to the motion to add that the contract could be amended by written change orders in any amount not to exceed \$6,250. Selectman Carlson noted that in the future he would like to be informed of the sidewalks that are being resurfaced. Ms. Wilder noted that she would so advise the Chairman of the Road Commissioner.

Teacher's Contract: Chairman McArdle noted that the Selectmen have 1 vote out of 6 for approval of the contract; however, a vote needs to be taken. Several Selectmen met with the School Committee last week to obtain a better understanding of the salaries portion of the contract. The base grid increase stands at 2.7% per year for 3 years. Selectman Gandt made a motion to approve the Topsfield Elementary School Teachers Contract as noted in a letter dated 6/6/07 from Steve Greenberg to Dr. Bernie Creeden, Selectman Clark seconded; so voted 1-2 (no's-McArdle & Carlson)-1 abstained (Clark).

Verizon Non-Compliance Notice: Selectman Gandt made a motion to send the letter as drafted and dated 6/7/07 to Peter Bowman, VP, MA/RI External Affairs, Verizon stating they are in non-compliance with section 5.1.3 of the Cable TV Final License dated 12/4/06, seconded by Selectman Clark; so voted 4-0.

Common Victualler License: New Meadows Market has requested a Common Victualler License. Selectman Gandt asked for an explanation of the statute, Ms. Wilder explained that when food is prepared on the premise to be sold to the public, a Common Victualler License is needed. However in his opinion, they would have to apply for a 1 day liquor license to do so. Selectman Clark made a motion to grant New Meadow Market LLC of 19 Main St a Common Victualler License, seconded by Selectman Carlson; so voted 4-0.

Page Estate Development Meeting Request: A letter was received from Bradley Latham of Latham, Latham & Lamond requesting an opportunity to meet with the Board on June 25th to discuss South Meadow Homes LLC plans to develop the property at 12 Boston Street. They have plans for a 52 Elderly Housing Units. It was noted that this would not be a Public Hearing and there would be no questions taken from the public. Ms. Wilder has spoken to Mr. Latham and was advised he would be scheduled for 15 minutes.

Administrator's Report: see attached.

- Appointments: 3 documents submitted to the Board
 - List 1: Town Administrator will make appointments to Town employees.
 - List 2: Town Administrator's recommendations to Town position appointments, Selectman Carlson made a motion to accept recommendations, seconded by Selectman Clark, so voted 4-0

- List 3: Town Administrator's recommendation to Committees, Boards & Commissions. Council on Aging will be postponed 2 weeks before moving forward on this list.

Correspondence & Reports

- Several letters and reports were received:
 - Recycling Data From 2006
 - Newly Appointed Member to the Finance Committee-J.Stephen Lais
 - New Health Laws
 - NIMS Compliance
 - Signage request for Hovey Rd-CoC for 51 Bare Hill/Town Landfill/Pye Brook Community Park/Hovey Road by the Conservation Commission request that a sign be installed in the area of Hovey Rd Bridge. Selectman Clark would like to know who is responsible for the sign, Ms. Wilder will find out.
 - New Road at 37 Gail St, another complaint letter from the Dad of 39 Gail St.
 - Unfriendly 40B projects-letters from Walpole BOS
 - Football on Cable TV-Letter from Comcast notifying us that NFL Network is not be available after 7/13/07.
 - Dispatcher Moving On-Letter of resignation was received from Adam J Macini, Communication Dispatcher & Auxiliary Officer.
 - Cable TV Advisory Committee minutes of 4/4/07
 - Conservation Commission-Order of Conditions at 367 Boston St & 59 Main St, and monthly report
 - Fire Department monthly report
 - Web Site Committee minutes of 2/28/07
 - Inspector of Buildings monthly report

Invitations:

- Pre-Opening of Beverly Hospital Reception to be held on Tuesday, June 12, 2007 5-7PM, Main Lobby.

Warrants: The Selectmen signed and approved warrants in the amount of **\$ 1,005,915.44**. The breakdown is as follows:

Warrant #FY07: **\$442,277.28**

099T \$ 73,742.78

099 \$ 195,399.21

100 \$ 173,135.29

Warrant #FY07: **\$563,638.16**

101B \$ 563,638.16

Executive Session: At 9:50 PM, Chairman McArdle entertained a motion to go into executive session to discuss the potential Cell Tower litigation, Fire Chief Contract, Parks and Cemetery Union Contract, and Highway/Water Union Contract. A yes vote was recorded for Chairman McArdle, Selectmen Gandt, Selectman Clark, and Selectman Carlson. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

Respectively submitted,

Donna Rich, Secretary
Board of Selectmen's Office

Approved as amended at the June 25, 2007 Board of Selectmen meeting.